



MICHAEL GING/THE ARIZONA REPUBLIC

ing equipment Wednesday in the fields near 117th Avenue and McDowell Road in year because the dry weather allowed farmers to leave the crop in the field longer.

A bone-dry November and hardly a cloud in the 10-day forecast bodes well for Arizona cotton farmers now in the middle of their harvest.

A rainy harvest season, such as the one last year, can affect the quality of the cotton and drive down the price. While picking machines are not getting mired in the fields this year, Steven Bales, a fifth-generation cotton grower in Buckeye, says it appears the overall yield is less than last year.

"The harvest is going well, but it's a little light," Bales said.

Prices also are down due to

increased competition from Brazil and China, he said.

Arizona farmers planted 260,000 acres of cotton this year, somewhat more than the 240,000 acres planted in 2004. Last year growers produced about 728,000 bales of cotton valued at \$166 million, according to the National Agricultural Statistics Service.

The harvest is later this year because the weather allowed farmers to leave the crop in the field longer. As a result they've picked cotton once, instead of twice, which has cut fuel costs.

— Max Jarman

Officials: Make Cox pact open

Information on settlement secret

By Ken Alltucker

THE ARIZONA REPUBLIC

State regulators want to force Cox Communications and a small telephone company to disclose details of a settlement that both companies say will spur telecommunications competition at a massive new home development in Peoria.

An Arizona Corporation Commission lawyer said during a Thursday meeting that the state has uncovered more evidence showing the anti-competitive nature of a deal that Cox reached with a private home developer to be the sole provider of phone, cable and high-speed Internet service at the 17,000-home Vistancia development.

A tiny telephone company, Accipiter Communications, filed both a complaint with the Corporation Commission and a Maricopa County Superior Court lawsuit alleging the deal effectively blocked out competition.

Accipiter and Cox reached a settlement agreement, and Accipiter last month filed a motion to drop its Maricopa County lawsuit.

On Thursday, Accipiter asked an administrative law judge also to dismiss its corporation commission complaint.

But Judge Dwight Nodes agreed to give the Corporation

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Biz Section front page

Cold Stone Creamery has warm welcome in Tokyo

The Land of the Rising Sun warmed up to Cold Stone Creamery when the Scottsdale company opened its first store in Asia early this month.

Located in the Roppongi Hills complex in Tokyo, the store is the first of 150 stores that Cold Stone Creamery plans to open in the Tokyo metropolitan area by the end of 2009. The second Tokyo store is scheduled to open in March.

Staff on opening day for the first store saw a continuous 2½-hour line that formed six hours before opening. In the first week, sales for the 400-square-foot store surpassed \$36,000.

www.coldstonecreamery.com

Heavy machinery firm expands in Prescott

Road Machinery LLC, the Komatsu distributor, is expanding its facilities in Prescott to accommodate growth in the area. The distributor of heavy machinery plans an open house 10 a.m.-3 p.m. Dec. 2 at Road Machinery, 1071 Commerce Drive, Prescott.

www.roadmachinery.com

Staff and wire reports

be in.

Q: What does your current role entail, and how does it differ from the role of a GM?

A: It's the Number 2 position. As a resort manager, my direct reports are all on the operating end of the resort. What that means is I'm responsible for how the

A: I would say what's different first of all is you need to understand the tribe, what's important to them about their culture and about their vision for the resort. ... Their pace and focus is different than corporate America. They want to be very protective of their land and culture and move at a pace so that they're not

and great direction that it's heading in. I'm certainly not looking to change the course. What I bring is my experience. I've worked in seven states around the country. I think the diversity of my background can bring some new creativity, ideas and energy to take us even a level higher.

Officials: Make Cox pact public info

COX

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Commission staff an additional 30 days to make a case on why a hearing is warranted to discuss settlement terms and issues stemming from evidence gathered during the case.

The Cox-Vistancia deal is one of several "preferred provider" arrangements that developers routinely work out with communications companies. The deals typically give a company, usually Cox or Qwest, the right to provide sales materials at a developer's sales office.

The Cox-Vistancia deal made it even more challenging for competitors because the city of Peoria allowed the developer to obtain control of communications access, known as an easement, and

"Our objective was to get access to the community on a more equal footing. We now can compete."

Charlie Gowder

Accipiter CEO and president

then through an affiliate charge companies licensing fees to use that access.

Under terms of the deal, Cox paid developer Shea Sunbelt a \$1 million "licensing fee" for the right to build the communications network and sell to potentially 45,000 users, and the developer paid Cox an undisclosed sum to install underground cables.

Maureen Scott, a Corporation Commission lawyer, said a full hearing is warranted even if Accipiter no longer wants to pursue the case.

"The facts and circumstances are very unique, per-

haps first in the country," Scott said. The deal "prompted an investigation by the U.S. Department of Justice. I think an airing of the issues is needed."

Scott added that corporation commission staff members recently have talked with Justice investigators about the case, an indication that the federal probe continues.

Michael Patten, a lawyer representing Cox, argued that the corporation commission no longer needs to worry because Accipiter and Cox have reached a deal that will spur competition.

While both sides declined to reveal financial terms of the settlement, Patten said the deal would eliminate the Peoria-approved private easement and grant Accipiter the use of Cox-owned wires and conduit. Developer Shea-Sunbelt also will allow Accipiter use of land to build its network and allow the use of satellite dishes.

Accipiter President and Chief Executive Officer Charlie Gowder said his company is satisfied with the settlement terms but will cooperate if the state presses the case.

"Our objective was to get access to the community on a more equal footing," Gowder said. "We now can compete."

Reach the reporter at ken.alltucker@arizonarepublic.com or (602) 444-8285.

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